THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.24139 OF 2007

DATED: 15-11-2007

BETWEEN

A. Sunil Reddy,
S/o. A. Papi Reddy,
R/o. 1-8-702/31/1/A,
Padma Colony,
Nallakunta, Hyderabad.

...PETITIONER

AND

The Greater Hyderabad Municipal
Corporation, Rep. by its Commissioner,
Tank Bund, Hyderabad.

...RESPONDENT

ORDER:

Petitioner questions the notice issued by the Commissioner, Greater Hyderabad Municipal Corporation (GHMC) in Lr.No.7/RW/ACP/CI/GHMC/2007 dated Nil-2007 calling upon him to file objections before taking away an extent of 197.33 sq. yards from his property bearing No.18-1-517/A situated at Kandikalgate for the purpose of widening of the existing road into 80' road. He was requested to hand over the possession of the affected portion to GHMC and to give consent so as to enable GHMC to pay the structural compensation as per R & B scheduled rules and in lieu of the land value relaxation and additional FSI as per G.O.Ms.No.483 M.A. dated 24.08.1998. The grievance of the petitioner is that the respondent is proceeding to take away the said affected marked area without paying compensation either to the structures or to the land.

2. Learned counsel appearing for the respondent submits that the petitioner has not filed any objection to the said notice. However, if the petitioner files any objection expressing that he is not willing to avail the benefits of the aforesaid G.O., but he is interested in compensation alone, GHMC will take appropriate action in accordance with law.

3. I am of the opinion that if the owner of any land with structures on it is not inclined to given consent to hand over possession of the affected portion of his property for the purpose of road widening, the only course open to the respondent is to acquire the land and structures as per Section 147 of the Hyderabad Municipal Corporations Act, 1955 by initiating the land acquisition proceedings.

4. Having regard to the facts and circumstances of the case, the respondent is directed not to dispossess or deprive any portion of the property of the petitioner without following due process of law.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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V. ESWARAIAH, J

November 15, 2007
DSK